

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>ROBBIE OELSCHLAGER, individually,</b>	)	<b>Case No. _____</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>COMPLAINT AND</b>
	)	<b>DEMAND FOR JURY TRIAL</b>
<b>EAR, NOSE &amp; THROAT SPECIALTIES,</b>	)	
<b>P.C., CHRIS A. CEDERBERG, M.D.</b>	)	
	)	
<b>Defendants.</b>	)	
	)	
	)	
	)	

COMES NOW the Plaintiff and for his Complaint states:

**The Parties**

1. Plaintiff Robbie Oelschlager is a resident of Washington County, Kansas. His address is 331 National Road, Palmer, Kansas.

2. Defendant Ear, Nose & Throat Specialties is a corporation organized and existing under the laws of the State of Nebraska and provides medical services in Lincoln, Lancaster County, Nebraska. Its address is 1500 S 48th St # 200, Lincoln, NE 68506.

3. Upon information and belief, Defendant Chris Cederberg, M.D. was at all times material herein, a resident of Lincoln, Nebraska. At all times material herein, he was also an otolaryngologist at Ear, Nose & Throat Specialties, acting within the course and scope of his employment with Ear, Nose & Throat Specialties.

4. Alternatively, Defendant Ear, Nose & Throat Specialties, at all times material herein, held out Defendant Chris Cederberg to the public, including Plaintiff Robbie Oelschlager, as an actual employee of Defendant Ear, Nose & Throat Specialties.

### **Basis for Jurisdiction**

5. At all times material herein, Defendants were qualified under the Nebraska Hospital Medical Liability Act, Neb. Rev. Stat. § 44-2801, *et. seq.* In accordance with Neb. Rev. Stat. § 44-2801, Plaintiff affirmatively waives his right to panel review and states that a copy of this Complaint has been served upon the Director of the Department of Insurance for the State of Nebraska.

6. This Court has jurisdiction over all causes of action asserted herein pursuant to 28 U.S.C. Section 1332(d). Plaintiff is a resident of Kansas and the Defendants are residents of Nebraska. The matter in controversy, exclusive of interest and costs, exceeds \$1,000,000.00.

7. Venue is proper in this District pursuant to 28 U.S.C. Section 1391(a)(1) and (2). All of the acts complained about occurred within this District.

### **Statement of Claim**

8. On March 22, 2016, Plaintiff Robbie Oelschlager was admitted to Physician's Surgical Center for sinus surgery. The surgery was performed by Defendant Chris Cederberg, M.D. During the surgery, Defendant Chris Cederberg, M.D. damaged an area called the cribriform, causing a CSF leak and other injuries that include, but are not limited to, headaches, intracranial hypertension, and cognitive impairment.

9. Had the Defendants properly treated him, injury to Plaintiff Robbie Oelschlager would not have happened. Defendants, and each of them, were negligent in their care and treatment of Plaintiff Robbie Oelschlager including, but not limited to, the following:

a. Failing to properly diagnose;

- a. Failing to properly diagnose;
- b. Failing to properly treat;
- c. Failing to warn and completely inform Plaintiff Robbie Oelschlager of risks of the surgery;
- d. Unnecessarily operating in a high-risk area without medical justification;
- e. Operating in a high-risk area with the improper instruments;
- f. Improperly repairing and worsening the injury to the cribriform.

8. As a direct and proximate result of the negligence of the Defendants, and each of them, Robbie Oelschlager experienced pain, suffering, a CSF leak and other injuries that include, but are not limited to, headaches, intracranial hypertension, nerve injury to the brain and cognitive impairment, together with the following damages:

- a. Pain and suffering, past and present;
- b. Medical bills in the past of \$250,000.00 it being reasonably certain that he will incur medical bills in the future;
- c. Permanent injury and disability;
- d. Loss of income in the approximate amount of \$100,000.00; and
- e. Permanent impairment of his earning capacity.

**WHEREFORE**, Plaintiff requests judgment against the Defendants in the amount of \$2,250,000.00 for special and general damages, together with the costs of this action, attorneys' fees, and such other and further relief as the court deems just and proper.

#### **REQUEST FOR JURY TRIAL**

Plaintiff requests trial by jury in Lincoln, Nebraska.

ROBBIE OELSCHLAGER, Plaintiff

BY:

A handwritten signature in black ink, appearing to read 'Jefferson Downing', is written over a horizontal line.

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